(65)

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**

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**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.**

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**WRIT PETITION NO.1412 OF 2006.**

**PETITIONER** : K. Agnihotri Sharma, son of Shri K.M. Murthy, Aged about 60 years, through M/s. Acharya Enterprises, Phool Chowk, G.E. Road, Raipur.

Vs.

**RESPONDENT** : M.P. Financial Corporation Finance House, Agra Bombay Highway, Indore, 452 001.

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**Present:** Shri B.P. Sharma, learned counsel for the petitioner.
Shri P. Diwakar, learned Sr. Advocate with Shri P.R. Patankar, learned counsel for the respondent.

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**ORAL ORDER**
**(Passed on 5th October, 2006.)**

I am of the considered opinion that the learned trial Judge did not exercise the discretion vested in him judiciously and in accordance with law. Along with the application made on 25.08.2001the petitioner-applicant had enclosed medical certificate marked as Annexure – P/6 before this Court. The learned trial Judge is not justified in observing that Annexure-P/6 must have been procured. The learned trial Judge has not disclosed any reason to form such an opinion.

(2) In that view of the matter, I allow the writ petition, set aside the impugned order of the learned trial Judge and allow the application filed by the petitioner under Order 17 Rule 1 C.P.C. No costs.

Sd/-
Chief Justice

Brajesh